COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

[[1]] authorize the deferral of certain permit, inspection, license, and engineering fee payments for a certain period;]

[[2]] (1) temporarily extend the time limit for abandonment of a building permit application;

[[3]] (2) temporarily extend the time [[for recording an initial]] to record a building inspection; and

[[4]] (3) generally amend the laws regarding permits [[and related fees]].

By amending
Montgomery County Code
Chapter 8, Buildings
Sections 8-24 and 8-25

[[By adding
Chapter 2, Administration
Section 2-42C]]

Heading or defined term.
Added to existing law by original bill.
Deleted from existing law by original bill.
Added by amendment.
Deleted from existing law or the bill by amendment.
Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 8-24 and 8-25 are amended [(and Section 2-42C is added)] as follows:


* * *

(h) Amendments to application. Subject to [the limitations of] subsection (i) [of this section], [amendments] an amendment to a plan, application, or other [records accompanying the same] document may be filed at any time before [completion of] the work for which the permit is sought or issued is completed. [and such amendments shall] Each timely filed amendment must be [deemed] treated as part of the original application and [shall be] filed [therewith] with it.

(i) Time [limitation of application] limit. An application for a permit for any proposed work [shall be deemed to have been] must be treated as abandoned [six (6)] 12 months after [date of filing] the application was filed, unless [such] the application has been diligently prosecuted or a permit [shall have been] was issued. [: except, that] However, for reasonable cause, the Director may [grant one (1) or more extensions of time] extend the time for the Department to consider an application for one or more additional periods which do not [exceeding ninety (90)] exceed 90 days each.

8-25. Permits.

* * *

(b) Time limit.

(1) A building permit is invalid if:

(A) an approved inspection, as required by this Chapter, is not recorded in the Department's inspection history file within [12] 18 months after the permit is issued and a second
approved inspection is not recorded in the Department's inspection history file within [14] 20 months after the permit is issued; or

* * *

[2-42C. Permit fees - new construction - deferrals.]

(a) Definitions. In this section the following words have the meanings indicated:

(1) Fee or Fees mean any permit fee, license fee, inspection fee, or engineering fee required to be paid before a permit or license is issued or an inspection is made under Chapter 8, 17, 19, 27A, or 49.

(2) New Construction means:

(A) any new building; and

(B) any addition or renovation of an existing building that replaces 50% or more of the existing first floor exterior walls, measured around the perimeter of the building.

(3) Owner means a person who has legal record title to the real property on which the new construction is proposed.

(b) Authorization to Defer. An owner or other applicant may defer payment of a fee associated with new construction, if the fee exceeds $400 and all other requirements of this Section are met, for 12 months after the fee is otherwise due.

(c) Conditions of Deferral.

(1) An owner must apply for deferral of a fee to the Director on a form supplied by the Department.

(2) As part of the application, the owner must execute a written agreement with the Director. The agreement must provide that
the owner consents to all terms and conditions of the deferral, including the collection of deferred fees through the tax sale process and recordation of the agreement or notice of the agreement in the County land records.

(3) The Director must record the agreement or notice of the agreement in the County land records. The notice must include a conspicuous statement that indicates it is being recorded by or on behalf of the County.

(d) Events accelerating payment. All deferred fees and accumulated interest and penalty, if any, become immediately payable when:

(1) the ownership of the property subject to a lien for repayment of the deferred fees is transferred; or

(2) the property becomes subject to tax sale.

(e) Payment, Early Payment; Termination of Lien.

(1) An Owner must pay a deferred fee on or before the end of the deferral period.

(2) After the owner pays the deferred fees and any accrued interest and penalty, the Director must record a notice of termination of the fee deferral lien in the County land records. The notice must include a conspicuous statement that indicates it is being recorded by or on behalf of the County.

(f) Delinquent Fees.

(1) Interest and Penalty. Any fee paid after the deferral period expires accrue interest and penalty on the amount of the deferred fees until paid at the rate which applies to delinquent real property taxes.

(g) Lien on Real Property and Collection. All fees deferred and any
accrued interest and penalty constitute a first lien on the real property to which the fees apply until paid. The deferred fees may be collected by suit or tax sale as with all other real property taxes. If any person liable does not pay all deferred fees as provided, the property may be certified to the Department of Finance and the lien may be sold at the next tax sale the County conducts. All deferred fees constitute a personal liability of the owner of the property.

(h) Penalties for False or Fraudulent Information. A person who knowingly submits a false or fraudulent application or statement or withholds information in order to obtain a deferral under this Section:

(1) has committed a Class A violation.

(2) is liable for and must repay to the County any deferred fees plus interest and penalty at the rate which applies to delinquent real property taxes from the date of the deferral to the date of payment; and

(3.) is liable for all court costs and expenses of the County, including attorney's fees, in a civil action brought by the County.

(i) Regulations. The County Executive may adopt regulations under method (2) to administer this fee deferral program.]

[[Sec. 2. Sunset. County Code Section 2-42C, inserted by Section 1 of this Act, expires on April 1, 2010.]]

Sec. 2. Sections 8-24 and 8-25, as amended by Section 1 of this Act, are further amended as follows:


* * *

(i) Time limit. An application for a permit for any proposed work must be treated as abandoned [[12]] 6 months after the application was filed,
unless the application has been diligently prosecuted or a permit was issued. However, for reasonable cause, the Director may extend the time for the Department to consider an application for one or more additional periods which do not exceed 90 days each.

8-25. Permits.

* * *

(b) Time limit.

(1) A building permit is invalid if:

(A) an approved inspection, as required by this Chapter, is not recorded in the Department's inspection history file within [[18]] 12 months after the permit is issued and a second approved inspection is not recorded in the Department's inspection history file within [[20]] 14 months after the permit is issued; or

* * *

Sec. 3. Expedited Effective Date. The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect 60 days after it becomes law. Section 2 of this Act takes effect on July 1, [[2010]] 2011.
Approved:

Philip M. Andrews, President, County Council

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date